

RESPONSE TO OFFICE ACTION DATED: 01/14/2005

Patent Application #: 09/630,720
Filing Date: 08/02/2000
Name Of Inventor: Tayo Akadiri
Title of Invention: "Content Distribution and Method Using a Proxy" (continuation in part of "Content Distribution System and Method" patent application)
Date: July 6, 2005
Group/Art Unit: 3621
To: Mr. Firmin Backer (Examiner)
c/o Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
From: Ty Akadiri (Inventor) – Direct Dial (703) 786-6318
c/o AxaTrade
10929 Park Road
Fairfax, VA 22030

Dear Mr. Backer

Thank you for your continued work on this application. It has been a pleasure working with you. I have provided below a response to the last office action. Please feel free to contact me if any further clarification is needed:

The office action indicates a "Non-Final" rejection of claims 149-154 of our patent application 09/630,720. It cites as the justification for this rejection "proxy" prior art in patent 6,389,462 (Cohen...), and "Vacancy" prior art in patent 6,564,193 (Shore...).

We have reviewed these two patents, and find that the prior art is not relevant - even to our limited "proxy" claims. To begin with, the proxy innovation described in 6,389,462 (Cohen...) is an innovation at the TCP/IP Transmission Control Protocol (TCP) layer. It describes how to do something at the low-level of TCP/IP protocol to set up proxy functionality without having to reconfigure clients to point at the proxy server's address. The only similarity that this has to our own proxy-related patent application, is the word "proxy". We do not base any claims at all on low-level TCP/IP innovations. Instead, our innovations are at the Application layer – a completely independent context from the Transport layer (TCP/IP). This can be seen from consulting a standard industry OSI model (ref: http://en.wikipedia.org/wiki/OSI_model) Cohen's innovation is at the Transport Layer 4, while our innovation is at the Application Layer 7.

In our claims we describe how a proxy server implementation can be deployed in service of our fundamental innovations which are:

1) Modeling a web page as "puzzle-pieces" of content (SnapIns), that are fit into pre-defined content-holes (Vacancies). Both SnapIns and Vacancies are "commodities" that are tagged with attributes like price, content-type, size, etc.

2) Implementing a real-time trading engine that maintains a registry of SnapIns and Vacancies, and mediates which SnapIns plug into which Vacancies using the tagged attributes, and market mechanisms like auctions, leasing, etc.

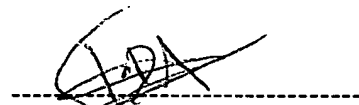
3) Assembling the end-viewer's web page in real-time by piecing together the appropriate SnapIns within its Vacancies, using the tagged attributes and other mechanisms.

One method we describe of doing step 3) is to let a proxy server do the physical act of assembling the content - before it gets to the user's browser. This is the essence of our proxy claim - and a completely different, non-obvious innovation from how a proxy server can be created for low-level TCP/IP network functionality (6,389,462 - Cohen).

Additionally, the office action states (paraphrased) "merely combining Cohen's proxy patent with patent 6,564,193 (Shore) and deriving Akadiri's patent is an obvious thing, because Shore is prior art on our merging/vacancy innovation". We believe that this is not so: As we have shown above, Cohen's proxy patent is not pertinent to our innovation. Furthermore, 6,564,193 (Shore) is an innovation for fax4free.com - basically describing a method of letting people send free faxes from a web server, while placing advertisements in any available space in the faxed document to subsidize the free cost. This cited "prior art" is also not relevant to our innovation. The claims that the office action cites in 6,564,193 (Shore) as evidence of prior art center on the description that (sic) "the added message is disposed at the web site in an empty space not occupied by the message in the facsimile." The mention of "empty space" in Shore's patent is limited to that narrow, literal, vernacular description of placing an advertisement in the opposite page, or available vertical space on a fax page. The empty space in Shore's claims has no defined properties, no tagged attributes, and no independent tradable commodity identity - (found in our "Vacancy" method and claims). It has nothing - either in the technical mechanism or the business process, or the art - to do with our innovations described above.

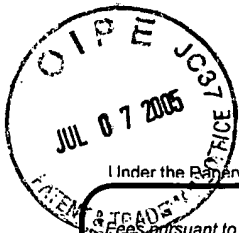
To provide further clarity in defining our innovation and its context and methods, and to expedite our process, we have attached the earlier claims (1-148) which are incorporated by reference in this application (please see the attached document).

Respectfully,



Tayo Akadiri
(Inventor)

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3621

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 475

Complete if Known

Application Number	09/630,720
Filing Date	08/02/2000
First Named Inventor	Tayo Akadiri
Examiner Name	Firmin Backer
Art Unit	3621
Attorney Docket No.	

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	_____ (round up to a whole number)	x _____ = _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Re-examination processing, third month extension fee 475\$

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	Telephone 703 786 6318
Name (Print/Type)	Tayo Akadiri (Inventor)		Date 07/06/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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